

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EARL DIEHL,

Petitioner,

ORDER

v.

08-cv-133-bbc

MICKEY MCCASH, Warden,
Oregon Correctional Center,

Respondent.

Petitioner Earl Diehl has filed a notice of appeal from this court's judgment entered August 22, 2008 denying his petition for a writ of habeas corpus. Because Diehl's petition challenges the actions of state corrections officials in connection with the revocation of his probation and not his conviction or sentencing in state court, he need not obtain a certificate of appealability. Anderson v. Benik, 471 F.3d 811, 814 (7th Cir. 2006); Walker v. O'Brien, 216 F.3d 626, 637 (7th Cir. 2000). However, to proceed on appeal, he must either pay the \$455 appellate filing fee or submit a motion for leave to proceed in forma pauperis as prescribed by Rule 24(a) of the Federal Rules of Appellate Procedures. His motion should state the issues he intends to present on appeal and include a six-month trust account statement from the institution. In addition, he should complete the enclosed affidavit of indigency. Petitioner should make these submissions no later than September 19, 2008.

ORDER

IT IS ORDERED that petitioner Earl Diehl has until September 19, 2008 in which to submit either the appellate filing fee or a motion for leave to proceed in forma pauperis on appeal.

Entered this 29th day of August, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge